Congress of the United States
Washington, DC 20515

September 16, 2019

The Honorable Eugene Louis Dodaro
Comptroller General of the United States
United States Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Comptroller General Dodaro:

As members of the House Committee on the Judiciary, we write to request an investigation into the detention of United States citizens by United States Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) as well as the issuance of detainer requests targeting citizens by ICE.

In July of this year it was well-publicized that CBP and ICE detained Francisco Erwin Galicia, a United States citizen, for over three weeks. Despite the production of documents showing he was a citizen to CBP and ICE, it appears that it took public awareness of his case and the pressure that came with it before he was finally released. Mr. Galicia has stated that he lost 26 pounds during this ordeal and was detained in horrendous conditions. And in April 2018, Peter Sean Brown, a United States citizen, was the subject of an ICE detainer and thus held for deportation for over three weeks in a local jail despite numerous assertions of his citizenship.

Unfortunately, these are not isolated incidents. For example, just looking at ICE, the Los Angeles Times reported in April 2018 that over a six-year period more than 1,480 people were released from ICE custody after citizenship claims were investigated. And, the CATO Institute estimated in August 2018 that at least 20,000 citizens were wrongfully targeted by ICE for deportation through the issuance of detainers between fiscal year 2006 and 2017.

It is simply unconscionable that our government would be routinely rounding up United States citizens then detaining them and targeting them for removal from this country. Basic due process should prevent this from happening, but we have serious questions about the adequacy of what CBP and ICE are doing.

Therefore, we request you investigate and report back to us what you find regarding the detention and targeting for deportation of United States citizens by CBP and ICE as well as the issuance of detainer requests targeting citizens by ICE. Such a report would include answers to the following questions:

- How many United States citizens have been detained by ICE and CBP or been the target of a detainer request over the prior five years, broken down by year?

- Where are United States citizens most often seized or detained by CBP and ICE?

- What is the average time a United States citizen is detained by CBP and ICE, broken down by year, for the prior five years?

- What are the reasons that CBP and ICE mistakenly detain or issue detainer requests for United States citizens for deportation?

- What are the policies and procedures CBP and ICE have in place regarding the detention and targeting for deportation of United States citizens by issuing detainer requests? Specifically, what are the policies and procedures in place to try to prevent this detention and targeting for deportation, to detect such errors when they do occur, and to remedy such errors as quickly as possible?

- What training do CBP and ICE provide to agents to reduce the likelihood that United States citizens would be detained or be the subject of detainer requests and to remedy such errors as quickly as possible when they do occur?

- What recommendations do you have for Congress, CBP, and ICE to reduce the likelihood that United States citizens are detained or become the target of detainer requests as well as remedy such mistakes as expeditiously as possible?

We look forward to working with you to produce a report which will illuminate this problem facing United Sates citizens and adopt solutions that will address it.
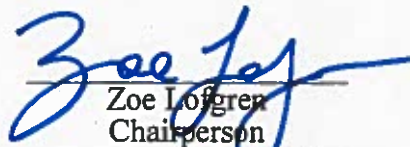
Sincerely,

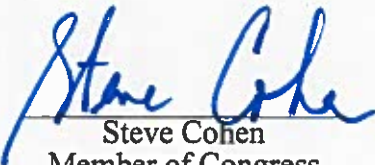Eric Swalwell
Member of Congress

Ted W. Lieu
Member of Congress

Jerrold Nadler
Chairman
House Committee on the Judiciary

Zoe Lofgren
Chairperson
House Judiciary Subcommittee on
Immigration and Citizenship

Steve Cohen
Member of Congress

David N. Cicilline
Member of Congress

Val Demings
Member of Congress

Pramila Jayapal
Member of Congress

Sylvia R. Garcia
Member of Congress